THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26021 OF 2005

Dated: 06-12-2005

Between

Suresh A. Jain, S/o. Late Anan Mal, Occ: Business, R/o.23-5-712/A, Nagul Chinta, Hyderabad and others.

...PETITIONERS

AND

The Assistant City Planner, Circle No.1, Sardarmahal, Charminar, Municipal Corporation of Hyderabad, Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of the first respondent dated 28.11.2005 orally threatening to demolish the petitioners Mulgies bearing Nos.23-5-463/5, 23-5-463/2, 23-5-463/3 and 23-5-463/1 respectively situated in Shahali Banda Road, Hyderabad as illegal and arbitrary.

Learned counsel for the petitioners submits that some of the similarly situated persons on the same road, as petitioners, have filed W.P.No.10175 of 2003, which was disposed of by order dated 27.03.2003 directing the Municipal Corporation not to dispossess the lands or demolish the properties of the petitioners without following the due process of law either by way of private negotiations or by way of acquiring land under the Land Acquisition Act, 1894.

The only grievance of the petitioners is that the respondents are threatening to demolish the mulgies of the petitioners without acquiring the land, without paying compensation and without following due process of law.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents not to dispossess the petitioners and demolish their mulgies without following due process of law under Sections 146 and 147 of the Hyderabad Municipal Corporation Act.

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V. ESWARAIAH, J

December 6, 2005

Note: Furnish C.C. of the order by 08.12.2005

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DSK